

Southern
UNITED STATES DISTRICT COURT, ~~██████████~~ DISTRICT OF ILLINOIS
~~██████████~~

Plaintiff(s) David H. Gharrett #M-38621)

) Case Number: 3:18-cv-00958-ADR-JCW

v.)

Defendant(s) Kimberly Butler et. al.)

Judge: Nancy J. Rasmussen

) Magistrate Judge: Donald G. Wilkerson

MOTION FOR APPOINTMENT OF COUNSEL

[NOTE: Failure to complete all items in this form may result in the denial of the motion for appointment of counsel]

1. I, David H. Gharrett #M-38621, declare that I am the (check appropriate box)
☒ plaintiff ☐ defendant in the above-entitled proceeding and state that I am unable to afford the services of an attorney, and hereby request the Court to appoint counsel to represent me in this proceeding.
2. In support of my motion, I declare that I have made the following attempts to retain counsel to represent me in this proceeding [NOTE: This item *must* be completed]: Have wrote mutilple law firms to try and have somebody represent me. See attached Exhibit's 1,2,3 Only a few have responded.
3. In further support of my motion, I declare that (check appropriate box):
☒ I am not currently, nor previously have been, represented by an attorney appointed by the Court in this or any other civil or criminal proceeding before this Court.
☐ I am currently, or previously have been, represented by an attorney appointed by the Court in the proceeding(s) described on the back of this page.
4. In further support of my motion, I declare that (check appropriate box):
☐ I have attached an original Application for Leave to Proceed *In Forma Pauperis* in the proceeding detailing my financial status.
☒ I have previously filed an Application for Leave to Proceed *In Forma Pauperis* in this proceeding, and it is a true and correct representation of my financial status.
☐ I have previously filed an Application for Leave to Proceed *In Forma Pauperis* in this proceeding. However, my financial status has changed and I have attached an Amended Application to Proceed *In Forma Pauperis* to reflect my current financial status.
5. I declare under penalty that the foregoing is true and correct.

David H. Gharrett
Movant's Signature

700 W. Lincoln St. P.O. Box 99
Street Address

11-1-18

Date

Pontiac, IL 61764

SCANNED at PCC and e-mailed
(date) by AD (initials)
11/1/18
4 (# of pages)

Exhibit #1

FISHMAN MILLER PC

Jack B. Fishman, Esq.
jbfishman@fishmanpc.com

1301 Pyott Rd. Ste. 203
Lake in the Hills, IL 60156

Anne B. Miller, Esq.
abmiller@fishmanpc.com

October 12, 2018

David H. Gharrett, #M-38621
PO Box 99
Pontiac, IL 61764

Dear Mr. Gharrett,
Thank you for contacting our firm. Unfortunately, we do not handle these types of matters. We also do not practice in Mclean County.
We wish you all the best.

Sincerely,



Anne Miller, Esq.

101 7 & P
Exhibit #2

O'CONNELL, TIVIN, GRIFFIN & BURNS, LLC

CHICAGO, ILLINOIS

MILWAUKEE, WISCONSIN

EDWARDSVILLE, ILLINOIS

May 16, 2018

Mr. David H. Gharrett #M38621
Pontiac Correctional Center
P.O. Box 99
Pontiac, IL 61764

In re: Your letter to me dated May 10, 2018

Dear Mr. Gharrett:

I received your letter to me dated May 10, 2018 requesting legal assistance for what you describe as a failure to protect case. I will not be able to help you with your case. As of May 18, 2018 I will no longer be employed by O'Connell, Tivin, Griffin & Burns, L.L.C. In my new job, I will not be able to take on any additional legal work. No one else associated with O'Connell, Tivin, Griffin & Burns is in a position to provide you with legal assistance at this time.

Your letter does not set forth the date or dates on which the events giving rise to the claim you wish to pursue took place. You should be aware that all legal claims are governed by statutes of limitation, and you should immediately seek counsel to represent you or pursue the claim yourself. I wish you the best of luck.

Sincerely,

O'Connell, Tivin, Griffin & Burns, L.L.C. by:


Joseph P. Whyte

Edwardsville, Illinois
120 North Main Street, Suite 2, Edwardsville, Illinois 62025 | Phone: (618) 307-4242

www.otgblaw.com

GOLDBERG KOHN LTD.

Exhibit
3.

October 26, 2018

roger.lewis@goldbergkohn.com

direct phone: 312.201.3981

direct fax: 312.863.7481

VIA U.S. MAIL

Mr. David H. Gharrett, M38621
Pontiac Correctional Center
P.O. Box 99
Pontiac, IL 61764

Dear Mr. Gharrett:

I have received your second letter regarding your request for pro bono legal assistance. I am sorry, but I am unable to assist. Best of luck.

Sincerely,



Roger A. Lewis

RAL/cxv



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
prisoner.esl@ilsd.uscourts.gov

ELECTRONIC FILING COVER SHEET

Please complete this form and include it when submitting any type of document, letter, pleading, etc. to the U.S. District Court for the Southern District of Illinois for review and filing.

David H. Gharrett
Name

M-38621
ID Number

Please answer questions as thoroughly as possible and circle yes or no where indicated.

1. Is this a new civil rights complaint or habeas corpus petition? Yes or No
If this is a habeas case, please circle the related statute: 28 U.S.C. 2241 or 28 U.S.C. 2254

2. Is this an Amended Complaint or an Amended Habeas Petition? Yes or No
If yes, please list case number: _____

If yes, but you do not know the case number mark here: _____

3. Should this document be filed in a pending case? Yes or No

If yes, please list case number: 3:18-cv-00958 - NJR-DGW

If yes, but you do not know the case number mark here: _____

4. Please list the total number of pages being transmitted: 6

5. If multiple documents, please identify each document and the number of pages for each document. For example: Motion to Proceed In Forma Pauperis, 6 pages; Complaint, 28 pages.

Name of Document	Number of Pages
<u>Motion Requesting Partial Discovery</u>	<u>2</u>
<u>Motion For Appointment of Counsel</u>	<u>4</u>
_____	_____
_____	_____

Please note that discovery requests and responses are NOT to be filed, and should be forwarded to the attorney(s) of record. Discovery materials sent to the Court will be returned unfiled.